

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Confirmation No: 6030

Applicant: Heyden, Knut Atty. Docket: 85934.000032

Application No.: 10/706,332 Examiner: BERGERON, ROLAND C

Filed: November 12, 2003 Art Unit: 3635

Title: SEALING PROFILE WITH INTEGRATED FOAM RUBBER STRIP

AMENDMENT

Mail Stop AMENDMENT  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action mailed February 27, 2007, please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper. The listing of claims will replace all prior versions and listings of the claims in this application.

Remarks begin on page 5 of this paper.

AMENDMENTS TO THE SPECIFICATION

Please replace paragraph [0014] on page 4 with the following rewritten paragraph:

[0014] It is furthermore of advantage to formulate the first elastomeric material as a thermoplastic elastomer (TPE), ethylene-propylene diene rubber (EPDM) or a silicon-containing plastics to endow the base body and thus the sealing portion with properties such as, for example, a high thermal stability and adequate conformability ensuring a reliable seal.

AMENDMENTS TO THE CLAIMS

IN THE CLAIMS:

1. (Cancelled)
2. (Currently Amended) The weatherseal as set forth in claim 49, wherein saidthe second elastomeric material is cellular rubber.
3. (Currently Amended) The weatherseal as set forth in claim 49, wherein saidthe first elastomeric material is selected from the group consisting of a thermoplastic elastomer, ethylene-propylene diene rubber or and a silicon-containing plastics.
4. (Currently Amended) The weatherseal as set forth in claim 49, wherein saidthe adhesive is formulated for a durable tack.
5. (Currently Amended) The weatherseal as set forth in claim 49, wherein saidthe contact surface is covered by a peel-off film.
6. (Cancelled)
7. (Cancelled)
8. (Currently Amended) The weatherseal as set forth in claim 49, wherein saidthe sealing portion comprises a hollow chamber.

9. (New) A weatherseal for a motor vehicle, comprising:  
a base body made of a first elastomeric material and having a  
sealing portion and a fastening portion, and  
an adhesion body made of a second elastomeric material having a  
cellular structure;  
the base body and the adhesion body being coextruded;  
the fastening portion having a fastening lip spaced apart from the  
sealing portion by a gap, the fastening lip having a first side facing the  
gap and a second side turned away from the gap and defining a fastening  
plane;  
the adhesion body being arranged at the second side of the  
fastening lip and having a contact surface protruding from the fastening  
plane and an adhesive on the contact surface.
10. (New) The weatherseal as set forth in claim 9, configured to seal a  
component of the motor vehicle selected from the group consisting of a  
door, a window pane and a roof.

## REMARKS

### Rejection under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph, because the phrase “especially” renders the claim indefinite since it includes elements not actually disclosed (those encompassed by “especially”), thereby rendering the scope of the claim unascertainable. Applicant has cancelled claim 1 and substituted claim 9 and respectfully submits that this rejection has been overcome. Withdrawal of this rejection is respectfully requested.

### Rejection under 35 U.S.C. § 102(b)

Claims 1–8 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,449,544 to Ogawa et al.

Specifically, the Examiner states that Ogawa et al. disclose “an extruded weather strip having a base body (fig. 2: W1) having a sealing portion (3) made of a first elastomeric material and a fastening portion (2 & 7) made from a second elastomeric material with a cellular (sponge) and rubber structure, and an adhesive surface (6).”

Claims 1, 6 and 7 have been cancelled. Claims 9 and 10 have been added, wherein claim 9 is the only independent claim. Claims 2–5 and 8 have been amended to depend directly from claim 9.

Applicant has added claim 9 to even more particularly point out and distinctly claim the invention. At least one limitation of Claim 9 and therefore of all of the claims 2–5, 9–10, is not shown by Ogawa et al. In claim 9, the fastening lip is claimed as being spaced apart from the sealing portion by a gap. In Ogawa, the weather strip is shown in the figures without a gap between the sealing element (3) and the trim portion (2) and there is no mention of a gap

between the sealing element (3) and the trim portion (2) in the Ogawa specification. Clearly, Ogawa et al. do not disclose the claim limitation of "a fastening lip spaced apart from the sealing portion by a gap." Therefore, claim 9 cannot be anticipated by Ogawa et al.

Applicant submits that these amendments clearly put the case in condition for allowance and distinguish over the art of record.

Each of the matters having been addressed, reconsideration and favorable action are requested.

Respectfully submitted,



Dated: May 25, 2007

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